

Wetlands Advisory Task Force

MINUTES

MARCH 14, 2012

701 NW 1 COURT
2ND FLOOR TRAINING ROOM

MEETING CALLED TO ORDER	By Chair at 1:15pm		
MEMBER ATTENDEES	Present: Patricia Baloyra Manuel Echezarreta Jose K Fuentes Jose M. Gonzalez James F. Murley Alice Pena	Absent: Jennifer Smith, FDEP SE District Ray Scott, FDAC – Office of Agricultural Water Policy Stephen A Sauls	Present Non Voting: Ron Peekstok, SFWMD

Agenda topics

WELCOME AND ANNOUNCEMENTS

LEE HEFTY, ASSISTANT DIRECTOR, PERA

DISCUSSION	<p>Meeting for March 14, 2012 was called to order by the Chair. The Chair advised the members that Mr. Hefty of Staff will not be present due to vacation that Mr. Davis will be filling in.</p> <p>Mr. Davis advised the members that there are no new updates outside of the agenda which covers the clarification requested by the members regarding the Board of County Commission meeting.</p> <p>Alice Pena submitted a copy of her response to her citizen request made at a previous Board of County Commission meeting regarding hydrology and gave a brief description of her original request. Chair instructed to have Ms. Pena's response to the request submitted into the record.</p>
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APPROVAL OF AGENDA

JAMES F. MURLEY – CHAIR - WATF

DISCUSSION	Agenda was approved with no objections.
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APPROVAL OF MINUTES FROM FEBRUARY 23, 2012 MEETING

JAMES F. MURLEY – CHAIR - WATF

DISCUSSION	Alice Pena made the motion to approve the minutes from the February 23, 2012 and seconded by Jose Gonzalez. Motion was passed with no objections.
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DISCUSSION OF 2005 HURRICANE DEBRIS RELATED CASES

JAMES F. MURLEY – CHAIR - WATF

DISCUSSION	<p>The Chair recognized staff to present the information gathered with regards to the 2005 hurricane debris without concentrating on any specific case.</p> <p>Mr. Davis presented to the Task Force members a spreadsheet which contained the existing remaining cases which are presently under litigation and can not be discussed in detail but were provided for discussion of the potential effect of recommendations. Additional staff, Donna Gordon, Manager of the Code Enforcement Section and Mark Pettit, Code Enforcement Officer, were introduced to the Task Force to further answer questions from the Task Force.</p> <p>Task force member discussion</p>
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DISCUSSION OF THE CLASS I WETLAND ISSUES

JAMES F. MURLEY – CHAIR - WATF

DISCUSSION	<p>The Chair recognized Mr. Davis to present on the topic of discussion of the Class I Wetland issues.</p> <p>Mr. Davis advised the members that they were provided language with analysis, background information and a recommendation taking into account the recommendations submitted by the public, for their review and consideration for inclusion to the final recommendation report.</p> <p>Task Force member discussion</p> <p>The Chair opened the discussion to include members from the public that submitted concerns/recommendations with regards to the subject.</p> <p><u>Steve Carney – Carney Environmental Consulting – Miami, Florida</u> "What I am passing out is an example of a site that is requesting a Class I permit. Tom Lodge and I met with Matthew Davis, Lee Hefty and Lisa Spadafina to discuss this."</p>
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	<p>"I think in the past, I stated that I preferred that the halophytic vegetation list be eliminated from Chapter 24 and instead that Class I permits be tied to the reach of the tides. In case of the Miami River it would be up to 36 Street, the structure there. In the case of the Gables waterway, it would be in through the Biltmore Golf course and in the Lake Aceola. Anyway there would be a tidal reach for the Class I permits. When we met with Matt and Lee last week and given the discussion here, it seems clear DERM doesn't want to go that route they want to maintain a higher degree of control on mangroves and halophytes. When we met they didn't see it my way which is ok. What we talked about was to come up with a metric whereby the regulated community and consultants when they are asked by the client, can I get a permit, we can say yes instead of I don't know. I do have to ask, the map you had on the screen Matt was different from what I saw in the CDMP, slightly and I wonder if you can explain that."</p> <p><i>Mr. Davis responded to the question</i></p> <p>"I have a version that is slightly different. Those sorts of details can be worked out. As Matt pointed out, on this particular property, Section 34, when you zoom in to the last page and get a tight look at the property, the majority of the site is sawgrass and fresh water herbaceous growth. I have not been to the property personally, but I guess most of the tree islands are comprised of buttonwood, which is a halophyte. So it is a complicated situation, a cross mixture of plant types. So, I think if the County is willing to come up with a metric similar to what Matt said where we have a line that can be agreed to by the regulated public and the County, where if you fall waterward of that you will be in a Class I zone and if landward of that you'll be Class IV, at least that will provide surety, for example for preparing permit applications as to the situation that we are encountering. Currently, that particular, section 640 acres, was a Class I. There are properties very near to there and even east of there that have gotten a Class IV permit. Again, I think we need a bright line to determine the limits of a Class I."</p> <p><i>Task Force member discussions</i></p> <p>"In the discussion with Lee and Matt, I think the way it currently reads, is it supports halophytic vegetation and I was requesting that perhaps there'd be a certain percent cover. I also suggested that it support two species, but is there any sort of density requirement associated with that? Say a purple sedge and a buttonwood one each or are we done?"</p> <p><i>Staff responded</i></p>
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REVIEW OF WATF DRAFT MEMO/REPORT

JAMES F. MURLEY – CHAIR - WATF

DISCUSSION	<p>The Chair recognized staff to review the information that was amended and added as per the direction of the members from the last meeting.</p> <p>Mr. Davis advised the members that the edits are noted as per their direction and that the items at the end of the document are for their review and consideration.</p> <p>Member discussion for amendments/finalization to the recommendations.</p> <p>The Chair thanked members, staff and members of the public. Staff has been charged with finalizing the draft and recommends that the mayor be added in the memorandum and for the Chair to write a cover letter transmitting the recommendations with language similar to "Please find attached the final report of the Wetlands Advisory Task Force addressing specific recommendatory revisions to the Wetlands regulations of Chapter 24 of Miami-Dade County. Pursuant to the Miami-Dade County resolution adopted February 21, 2012, the Task Force will now proceed to address revisions to Chapter 33B of the Miami-Dade County Code.</p> <p>We appreciate the assistance provided to the Task Force by interested professionals, citizens and the staff of Permitting, Environment and Regulatory Affairs (PERA)." The memorandum is to have attachments as the presentations are a part of the record.</p> <p>Jose Gonzalez moved to adopt the report as amended by the members for finalization. Patricia Baylora seconded. Motion passed with no objections.</p>
ACTION ITEM	<ul style="list-style-type: none"> Staff to prepare transmittal letter and prepare document for finalization to be submitted to the Commission

PUBLIC COMMENTS

PUBLIC

DISCUSSION	<p>The Chair opened the meeting for public comments and reminded the public to please keep comments below 3 minutes.</p> <p>Ed Chapman</p> <p>Two things that concern me about this, if you've got 2 or 2.5 acres on your property and it has wetlands, even if you xeriscaped it so to speak and put native plants back on it, you didn't use it you'll still be taxed, in my case \$35,000 an acre. So I call up a guy down the street and have him come to my property and he goes ahead and plants it and then I get an agriculture exemption on my property. Seems like that's kind of counter productive in some way. Wetlands on the rest of the state, at least the state representative I talked to that is in Clearwater, he has some property that is</p>
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	<p>5 acres, 2 acres of wetlands and they bill him I think \$500 an acre on the wetlands. So I don't know how we can resolve that."</p> <p>"The other thing is, some of the ambiguities you see in the facts, this little sheet I got here is full of inaccuracies and I wonder how that can exist if its by one of our people here. For instance, there's 2 people here with 20,000 cubic yards that says its been removed. But it hasn't been removed, they have a certificate of compliance from the county so its still there and its just sitting there, nothing is being done. Another one that shows 24,000 cubic yards and the one next to it has probably 1500, but they show 6,000 so if we can't get the facts straight how can we know exactly what we are doing out there and who's doing what? I can't seem to get a straight answer on some of these things from anybody. That's all I got"</p> <p><u>Pamela Evans</u></p> <p>"I was kind of disheartened that you had a straw poll vote against the state agricultural exemption. I was kind of curious, you wanted to see what the feedback was. I was kind of curious what Charles LaPradd's view is on the state exemption, if you had any feedback on that at all."</p> <p><i>Mr. LaPradd responded that he put his comments on record at the time of the straw poll which was that we should be treated the same.</i></p> <p>"I know at the time we had a lot of discussion and at the time you stated that you wanted agricultural business to come down here. So I think when you are recommending, that the straw poll showed that you were against it, the commission is going to take up what you say, so I kind of see that as a negative thing that's going to affect the farmers and the people opening up businesses here.</p> <p>The other thing is, on page 11 of this thing, the part where it talks about new property owners and then educating the property owners, I still don't understand how you are going to get to people before they buy the property to let them know it's a problem or a wetlands. The way this reads to me is that someone is going to buy it and then you are going to educate them which is the way its been going on, which is where the problem in because nobody knows. Thirdly, on this list, we've been talking a lot about mulch, so this is everything I see here and I know that there's a couple of open cases like Rudy Garcia who has a basil farm, where he bought property and there was contaminated soil, supposedly, and there's a case where there was nothing on the deed, nothing on the title that told him this. So there was more than just this, there some other people that should be in this that aren't maybe mulch, but there's soil, should be included in this. So I don't want this to be just what the commissioners look at and leave the other people out. So Matt, I don't know who came up with the list, but maybe you can add the other names, the ones that you know are still open cases that aren't just mulch. Are you familiar with that case, I'm sure right? With Rudy's Case?"</p> <p><i>Mr. Davis responded</i></p> <p>"We mentioned different things about owner's not knowing there was a problem. So that's one case that's open that you can talk about to someone in your division.</p> <p>I think that's all I have to say except for the map that Charles talked about, I think it needs to be more detailed as well, I think that just a big block and that was it."</p> <p><u>Steve Carney</u></p> <p>"I have a couple of questions on recommendation 20, amend Chapter 24 to include provision to clarify that an applicant who believes a permit application is complete can request and be given a final permit decision. How does that work? It sounds good."</p> <p><i>Mr. Davis responded that the state has something similar and we would be looking at that model.</i> <i>Mr. Peekstok commented that it occurs occasionally and the state concurs if it contains all the information requested otherwise, final agency action would be denial.</i></p> <p>"I'm not sure if it was voted up or down, recommendation 23 where we are talking about coordinating with Fish and Wildlife service, Fish and Wildlife Commission."</p> <p><i>The chair responded that it was not moved forward.</i></p> <p>"Ok, because as Matt pointed out, it kind of already exists and seems very redundant to me."</p> <p>The Chair recognized Alice Pena to comment.</p> <p>Ms. Pena pointed out that the issue Ms. Evan's brought up that it would be addressed under the 33B discussions.</p>
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GENERAL DISCUSSION

TASK FORCE MEMBERS

DISCUSSION	<p>Chair recognized the task force members for general discussions and directed staff to finalize the report as amended by the Task Force members. The chair reiterated that there would be no attachments to the report as all presentations were found on the website and a point of record.</p>
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DISCUSSION	<p>The Chair thanked the public for attending and participating in the meetings on behalf of the Task Force members, as well as all the staff from the various agencies for their assistance.</p> <p>The members were polled for the next meeting which will be Phase II to address Chapter 33B and proposed presentations for the history, recent events and other issues for the first meeting. Moving forward to a similar structure for a report as done with Phase I.</p> <p>Next meeting has been scheduled for Wednesday, April 18, 2012 1pm to 4pm.</p> <p>Proposed agenda for future meetings as follows:</p> <ul style="list-style-type: none">• Presentation from Mr. Steve Carney on 33B• Staff to help with historical presentation chronological and date document was created and the basis for it – pull documents from 86-87; Presentation/Read of Chapter 33B management areas and the reasoning behind them• Presentation from Everglades national Park <p>The Chair and members discussed the necessity for agency staff that is familiar with 33B attend the upcoming meetings as opposed to those that have been in attendance for Phase I.</p>
MEETING ADJOURNED	3:50pm